

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRIS D. DIXON,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

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CIVIL NO. 17-cv-588-JPG-CJP

MEMORANDUM AND ORDER

Before the Court is the parties' Agreed Motion for Remand to the Commissioner (Doc. 16). The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, "the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with agency regulations and rulings, the ALJ will further evaluate all of the medical opinions of record and give reasons for the weight assigned them in accordance with agency regulations and rulings. The ALJ will also re-evaluate the claimant's residual functional capacity with citation to the medical evidence, including the medical opinions that support each of the limitations assessed. If warranted, the ALJ will obtain additional vocational evidence."

Plaintiff applied for disability benefits in May 2013. (Tr. 23.) While recognizing that the

agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand to the Commissioner (Doc. 16) is **GRANTED**. The final decision of the Commissioner of Social Security denying Chris D. Dixon's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence pursuant to sentence **four** of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: January 18, 2018

s/ J. Phil Gilbert

J. PHIL GILBERT

UNITED STATES DISTRICT JUDGE